

APPENDIX I

SEPA CHECK LIST

General Guidance on Implementation and Environmental Checklist

In light of the foregoing discussion, here is an outline follows of how a passed-through environmental review obligation might work. It is based on SEPA and NEPA processes, and in particular on the Renton-specific "Threshold Determination Process" established under Renton Municipal Code ("RMC") § 4-9-070, as amended by Renton Ordinance No. 4835, on March 27, 2000. However, those processes have been simplified somewhat in order to minimize burdens on tenants while targeting the information most relevant to potential aviation impacts.

1. Renton (specifically, its Environmental Review Committee¹) would maintain a "categorical exclusion" list of common or anticipated tenant activities that it finds unlikely to have a significant adverse environmental effect. Renton would develop the initial list by compiling an inventory of the kinds of activities now being undertaken by tenants at the airport or in its vicinity, identifying any which have significant adverse environmental effects, and listing the remainder. Other activities that are proposed or conducted from time to time and found to be environmentally insignificant would be added to the list. Existing or prospective tenants could ask to have the list expanded to include their anticipated activities, by showing that those activities lack significant impacts. Support for such a request could include a formal Finding of No Significant Impact or categorical exclusion issued by a government agency for comparable activity at a comparable airport.
2. Before taking or allowing their sub-tenants or customers to take any actions (using their leased property) that do not represent continuation of existing uses at existing levels (either by existing or by replacement airport users) and that are not on that categorical exclusion list, tenants would have to either (a) certify that the action is unlikely to have a significant adverse environmental effect and explain to the airport's reasonable satisfaction why it will not, or (b) present an assessment of likely environmental effects, either by funding an assessment to be conducted by airport staff or consultants or by conducting it themselves or through their own contractor.

- 2.1 The "checklist" of likely impacts that certifications and assessments would have to address would be based on the Washington Administrative Code § 197-11-960 "Environmental Checklist," which Renton Municipal Code (RMC) §4-9-

¹ For consistency with existing ordinances, we suggest that Renton exercise its environmental review through the same Environmental Review Committee ("ERC") that RMC § 4-9-070 uses for review of actions by Renton and designates as the responsible agency under SEPA. Accordingly, all references to "Renton" in this proposal are to the ERC unless otherwise specified. RMC § 4-9-070(G) provides that the ERC "shall consist of three (3) officials designated by the Mayor with concurrence by the City Council."

070(L)(1) already adopts by reference².” A copy of that checklist is shown below. In that document we have bolded the categories of information that it is probably appropriate to require from applicants. Information that the airport presumably has or is better positioned to obtain was left un-bolded, as was information related to impacts that presumably are not relevant to the airport.³

- 2.2 Tenants could choose who would conduct the assessment, provided they met airport criteria for having adequate expertise and lack of bias.
 - 2.3 Tenants able to show financial hardship, or competition with an incumbent tenant still operating under a lease that lacked comparable requirements, would be eligible to have the assessment conducted by the airport, with the funding obligation waived or deferred. (Compare to the requirements of RMC §§ 4-9-070(M)(6) and (Q)(6), which require applicants to providing information and fund public notices.)
3. Time limits for Renton responses to applications.
 - 3.1 Categorical Exclusion Determinations: Where a tenant submitted a good-faith claim, supported by an adequate and complete application, that a proposed action fit within an existing categorical exclusion, Renton would determine within 10 days whether the asserted categorical exclusion applied. This 10-day response period is consistent with RMC § 4-9-070(I)(7).
 - 3.2 Significance Determinations: Where a tenant submitted a good-faith claim, supported by an adequate and complete application, that a proposed action would not have significant adverse environmental impacts, Renton would respond to that claim within the time periods provided under RMC § 4-9-070(L)(3)(a) — generally, within 15 days, unless additional information was required from the applicant, the applicant modified its proposal, or another agency or further studies were required, in which case other time periods would apply as stated in the Ordinance. Tenants could request a non-binding “early notice” of the likely determination on significance, to be provided within 15 days, consistent with RMC § 4-9-070(L)(15).
 - 3.3 Studies of Proposals Having Significant Adverse Environmental Effects: See below.
 4. If the assessment identified significant adverse environmental effects, the tenant would be obliged to (a) undertake a public notice and comment process together with the airport, and (b) identify and evaluate potential mitigation measures. The public

² RMC § 4-9-070(L)(1) adopts by reference WAC § 197-11-310, which in turn incorporates by reference WAC § 197-11-960.

³ An alternative approach would be to simply require tenants to supply all information specified on the existing WAC § 197-11-960 environmental checklist. However, expanding information requirements for impact categories likely to be relevant to aviation while reducing irrelevant information requirements will yield better information while minimizing tenant burdens.

notice and comment process would track that established under RMC § 4-9-070(Q) and the SEPA provisions that it incorporates. Mitigation proposals would have to be in writing and specific, as required by RMC § 4-9-070(L)(9). Time limits for such assessments would be established by the airport in advance, posted, and adjusted in light of experience. Tenants would be substantively obliged to implement appropriate mitigation to the extent feasible, and to refrain from taking actions that despite mitigation have significant adverse environmental effects, unless they could show to the airport's reasonable satisfaction that those substantive requirements conflicted with substantive FAA requirements such as nondiscriminatory public availability.

5. Tenants' obligation to comply with the foregoing process would be included in each new, renewed, or renegotiated lease.

In addition, it might be appropriate to impose similar obligations, other than the obligation to fund or conduct a study, by airport regulation or ordinance. In other words, until a new lease embodied an assessment funding obligation, Renton would fund any required assessments, but all tenants (including those under old leases) would have to cooperate with Renton's studies and refrain, until Renton completed its assessment, from taking actions not on the categorical exclusion list and not yet found free of significant adverse impacts.

ENVIRONMENTAL CHECKLIST

WAC 197-11-960 Environmental Checklist.

Note: **Bold font** indicates topics of most relevance to Renton Airport.

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for non-project proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

- 1. Name of proposed project, if applicable:**
- 2. Name of applicant:**
- 3. Address and phone number of applicant and contact person:**
- 4. Date checklist prepared:**
- 5. Agency requesting checklist:**
- 6. Proposed timing or schedule (including phasing, if applicable):**
- 7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
- 8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the

project is completed? If any, generally describe and give approximate quantities if known.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

3. *Water*

- a. **Surface:**

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

- b. **Ground:**

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

- c. **Water runoff (including stormwater):**

- 1) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**
- 2) **Could waste materials enter ground or surface waters? If so, generally describe.**

- d. **Proposed measures to reduce or control surface, ground, and runoff water**

impacts, if any:

4. Plants

- a. Check or circle types of vegetation found on the site:
- deciduous tree: alder, maple, aspen, other
 - evergreen tree: fir, cedar, pine, other
 - shrubs
 - grass
 - pasture
 - crop or grain
 - water plants: water lily, eelgrass, millfoil, other
 - other types of vegetation
- b. **What kind and amount of vegetation will be removed or altered?**
- c. List threatened or endangered species known to be on or near the site.
- d. **Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:**

5. Animals

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:
- birds: hawk, heron, eagle, songbirds,
other:
- mammals: deer, bear, elk, beaver,
other:
- fish: bass, salmon, trout, herring, shellfish,
other:
- b. List any threatened or endangered species known to be on or near the site.
- c. Is the site part of a migration route? If so, explain.
- d. Proposed measures to preserve or enhance wildlife, if any:

6 Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if

any:

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hour's noise would come from the site.

[We suggest re-writing this item to make it more relevant to aviation, as follows]

What types and levels of noise would be created by or associated with the leasehold use on a short-term or a long-term basis (for example: associated aircraft operations, traffic, construction, other)? On a representative week (or several representative weeks, if noise is expected to vary seasonally), during what hours and from what sources will the use result in noise audible outside the airport boundary? Will noise associated with your proposed use, and experienced outside the airport boundary, either

(a) exceed the levels identified in Washington Administrative Code Section 173-60-040, i.e., 50 dBA continuous noise level in a residential area as measured pursuant to Washington Administrative Code Section 173-60-038,

(b) result from aircraft engine testing or maintenance conducted after 10:00 p.m. and before 7:00 a.m., or

(c) in combination with other sources of airport-related noise, result in average noise levels exceeding 65 dB DNL (as defined in 14 C.F.R. Part 150)?

If the answer to (a), (b), or (c) is affirmative or if the proposed use is likely to result in aircraft makes landing at the airport that do not regularly land there today, provide documentation that will enable determination of representative noise levels anticipated during the term of the use.

3) Proposed measures to reduce or control noise impacts, if any.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project [displace]?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics

- a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**
- b. **What views in the immediate vicinity would be altered or obstructed?**
- c. **Proposed measures to reduce or control aesthetic impacts, if any:**

11. Light and glare

- a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**
- b. **Could light or glare from the finished project be a safety hazard or interfere with views?**
- c. What existing off-site sources of light or glare may affect your proposal?
- d. **Proposed measures to reduce or control light and glare impacts, if any:**

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so,

describe.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**
- g. **Proposed measures to reduce or control transportation impacts, if any:**